



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Fukumura *et al.*

Appl. No.: 09/843,922

Filed: April 30, 2001

For: **Negative-Sense RNA Virus Vector
for Nerve Cell**

Confirmation No.: 2336

Art Unit: 1632

Examiner: Kelly, Robert M.

Atty. Docket: 2144.0270001/RWE

Eighth Supplemental Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 is a document that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Eighth Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' previously filed Information Disclosure Statements, in connection with the above-captioned application. A copy of each cited document is provided.

Applicants note that document AS1 cited herein, unpublished Appl. No. 09/762,641, was cited in the parent application, Appl. No. 09/720,979, in an Office Communication mailed June 8, 2004. Because the cited Appl. No. 09/762,641 is unpublished, Applicants submit that this is proprietary information that should not be open to the public. Applicants therefore respectfully request that the copy of Appl. No. 09/762,641 submitted herewith be expunged from the present application file. A formal Petition for Expungement and requisite fee are filed concurrently herewith.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

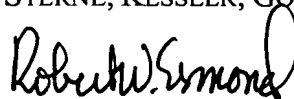
Attached is our PTO-2038 Credit Card Payment Form which includes the amount of \$180.00 for payment of the fee under 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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FORM PTO-1449

EIGHTH SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.

2144.0270001/RWE

APPLICATION NO.

09/843,922

FIRST NAMED INVENTOR

Masayuki Fukumura

FILING DATE

April 30, 2001

ART UNIT

1632

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1	6,451,579	09/17/2002	Jessee <i>et al.</i>			07/28/1999
	AB1	2003/0008399 A1	01/09/2003	Jessee <i>et al.</i>			08/07/2002
	AC1	2003/0053988 A1	03/20/2003	Renner <i>et al.</i>			03/25/1999
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS	1	U.S. Patent Application No. 09/762,641, entitled "RNA Virus Vector with Contact Infiltration Capability," 30 pages (unpublished).
	AT		

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.